

## PART B - FEE(S) TRANSMITTAL

Complete and send this form, together with applicable fee(s), to: **Mail** Mail Stop ISSUE FEE  
 Commissioner for Patents  
 P.O. Box 1450  
 Alexandria, Virginia 22313-1450  
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JUL 02 2007

INSTRUCTIONS: This form should be used for transmitting the ISSUE FEE and PUBLICATION FEE (if required). Blocks 1 through 5 should be completed where appropriate. All future correspondence including the Patent, advance orders and notification of maintenance fees will be mailed to the current correspondence address as indicated unless correspondence is directed otherwise in Block 1, by (a) specifying a new correspondence address; and/or (b) indicating a separate "FEE ADDRESS" for maintenance fee notifications.

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45216

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04/12/2007

KUNZLER & ASSOCIATES  
 8 EAST BROADWAY  
 SUITE 600  
 SALT LAKE CITY, UT 84111

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
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10/700,066

11/03/2003

David Alan Burton

END9-2002-0013US1

3719

TITLE OF INVENTION: SPECULATIVE DATA MIRRORING APPARATUS METHOD AND SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE DUE	PUBLICATION FEE DUE	PREV. PAID ISSUE FEE	TOTAL FEE(S) DUE	DATE DUE
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nonprovisional

NO

\$1400

\$300

\$0

\$1700

07/12/2007

EXAMINER	ART UNIT	CLASS-SUBCLASS
PEUGH, BRIAN R	2187	711-162000

07/03/2007 AWONDAF2 00000083 090466 10700066

01 FC:1501

1400.00 DA

02 FC:1504

300.00 DA

03 FC:8001

3.00 DA

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.363).

☒ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.

☒ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent from page 8001

(1) the names of up to 3 registered patent attorneys or agents OR, alternatively,

(2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

1 Kunzler & McKenzie

2

3

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

International Business  
 Machines Corporation

Armonk, NY

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☒ Corporation or other private group entity ☐ Government

4a. The following fee(s) are submitted:

- ☒ Issue Fee  
☒ Publication Fee (No small entity discount permitted)  
☒ Advance Order - # of Copies 1

4b. Payment of Fee(s): (Please first reapply any previously paid issue fee shown above)

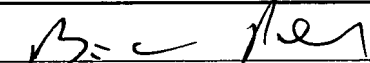
- ☐ A check is enclosed.  
☐ Payment by credit card. Form PTO-2038 is attached.  
☒ The Director is hereby authorized to charge the required fee(s), any deficiency, or credit any overpayment, to Deposit Account Number 09-0466 (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature



Date

6/19/07

Typed or printed name

Brian C. Kunzler

Registration No.

38,527

This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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**PATENT**  
**Docket No. END920020013US1**

**IN THE UNITED STATES  
PATENT AND TRADEMARK OFFICE**

APPLICANT(S):       DAVID ALAN BURTON

SERIAL NO.:         10/700,066

FILING DATE:        NOVEMBER 3, 2003

TITLE:               SPECULATIVE DATA MIRRORING APPARATUS, METHOD AND  
                          SYSTEM

EXAMINER:           BRIAN R. PEUGH

GROUP ART UNIT:     2187

ATTY. DKT. No.:     END920020013US1

MAIL STOP ISSUE FEE  
COMMISSIONER FOR PATENTS  
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**TRANSMITTAL OF THE  
PAYMENT OF ISSUE FEE**

Sir:

The enclosed Payment of the Issue Fee Due is submitted herewith pursuant to 37 C.F.R. § 1.67 and M.P.E.P. § 603.01 for filing in the matter of the United States patent application as hereinabove identified. A duplicate copy of this sheet is enclosed.

Please address all future correspondence in connection with the above-identified patent application to the attention of the undersigned.

Commissioner of Patents  
June 13, 2007  
Page 2

Respectfully Submitted,  
Brian C. Kunzler

A handwritten signature in black ink, appearing to read "B. C. Kunzler", is written over a horizontal line.

Brian C. Kunzler  
Reg. No. 38,527  
Attorney for Applicant

Date: June 13, 2007

Brian C. Kunzler  
8 East Broadway, Suite 600  
Salt Lake City, Utah 84111  
Telephone: 801/994-4646



CERTIFICATE OF DEPOSIT UNDER 37 C.F.R. § 1.8

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on


Respectfully submitted,

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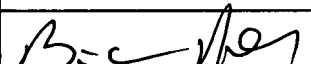
Transmitted: Transmittal of Payment of Issue Fee.

Please type a plus sign (+) inside this box → ☐

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 <h2 style="margin: 0;">FEE TRANSMITTAL</h2> <p style="font-size: small; margin: 5px 0;">Note: Effective December 8, 2004. Patent fees are subject to annual revision.</p>	<b>Complete If Known</b>		
	Application Number	10/700,066	
	Filing Date	November 3, 2003	
	First Named Inventor	David Alan Burton	
	Group Art Unit	2187	
	Examiner Name	Brian R. Peugh	
TOTAL AMOUNT OF PAYMENT	\$ 1703	Attorney Docket Number	END920020013US1

METHOD OF PAYMENT (check one)	FEE CALCULATION (continued)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																	
<p>1. <input checked="" type="checkbox"/> The Commissioner is hereby authorized to charge indicated fees and credit any over payments to:</p> <p>Deposit Account Number: <u>09-0466</u></p> <p>Deposit Account Name: <u>IBM CORPORATION</u></p> <p>Charge Any Additional X Fee Required Under 37 CFR 1.16 and 1.17</p> <p>Charge the Issue Fee <input type="checkbox"/> In 37 CFR at the Mailing of the Notice of Allowance</p> <p>2. <input type="checkbox"/> Payment Enclosed:</p> <p><input type="checkbox"/> Check    <input type="checkbox"/> Money Order    X Other</p>	<h3>3. ADDITIONAL FEES</h3> <table style="width: 100%; font-size: small;"> <thead> <tr> <th colspan="2">Large Entity</th> <th colspan="2">Small Entity</th> <th rowspan="2">Fee Description</th> <th rowspan="2">Fee Paid</th> </tr> <tr> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> </tr> </thead> <tbody> <tr><td>1051</td><td>130</td><td>2051</td><td>65</td><td>Surcharge - late filing fee or oath</td><td></td></tr> <tr><td>1052</td><td>50</td><td>2052</td><td>25</td><td>Surcharge - late provisional filing fee or cover sheet</td><td></td></tr> <tr><td>1053</td><td>130</td><td>1053</td><td>130</td><td>Non-English specification</td><td></td></tr> <tr><td>1812</td><td>2520</td><td>1812</td><td>2520</td><td>For filing a request for reexamination</td><td></td></tr> <tr><td>1804</td><td>920*</td><td>1804</td><td>920*</td><td>Requesting publication of SIR prior to Examiner action</td><td></td></tr> <tr><td>1805</td><td>1840*</td><td>1805</td><td>1840*</td><td>Requesting publication of SIR after Examiner action</td><td></td></tr> <tr><td colspan="6"> </td></tr> <tr><td>1251</td><td>120</td><td>2251</td><td>60</td><td>Extension for reply within first month</td><td></td></tr> <tr><td>1252</td><td>450</td><td>2252</td><td>225</td><td>Extension for reply within second month</td><td></td></tr> <tr><td>1253</td><td>1020</td><td>2253</td><td>510</td><td>Extension for reply within third month</td><td></td></tr> <tr><td>1254</td><td>1530</td><td>2254</td><td>765</td><td>Extension for reply within fourth month</td><td></td></tr> <tr><td>1255</td><td>2160</td><td>2255</td><td>1080</td><td>Extension for reply within fifth month</td><td></td></tr> <tr><td>1401</td><td>500</td><td>2401</td><td>250</td><td>Notice of Appeal</td><td></td></tr> <tr><td>1402</td><td>500</td><td>2402</td><td>250</td><td>Filing a brief in support of an appeal</td><td></td></tr> <tr><td>1403</td><td>1000</td><td>2403</td><td>500</td><td>Request for oral hearing</td><td></td></tr> <tr><td>1451</td><td>1510</td><td>1451</td><td>1510</td><td>Petition to institute a public use proceeding</td><td></td></tr> <tr><td>1452</td><td>110</td><td>2452</td><td>55</td><td>Petition to revive -unavoidably</td><td></td></tr> <tr><td colspan="6"> </td></tr> <tr><td>1453</td><td>1370</td><td>2453</td><td>685</td><td>Petition to revive - unintentional</td><td></td></tr> <tr><td>1501</td><td>1400</td><td>2501</td><td>700</td><td>Utility issue fee</td><td>1400</td></tr> <tr><td>1502</td><td>800</td><td>2502</td><td>400</td><td>Design issue fee</td><td></td></tr> <tr><td>1503</td><td>1100</td><td>2503</td><td>550</td><td>Plant issue fee</td><td></td></tr> <tr><td>1460</td><td>130</td><td>1460</td><td>130</td><td>Petitions to the Commissioner</td><td></td></tr> <tr><td>1807</td><td>50</td><td>1807</td><td>50</td><td>Petitions related to provisional applications</td><td></td></tr> <tr><td>1806</td><td>180</td><td>1806</td><td>180</td><td>Submission of Information Disclosure Stmt</td><td></td></tr> <tr><td>8021</td><td>40</td><td>8021</td><td>40</td><td>Recording each patent assignment per property (times number of properties)</td><td></td></tr> <tr><td>1801</td><td>790</td><td>2801</td><td>395</td><td>Request for continued examination (RCE) (37 CFR 1.114)</td><td></td></tr> <tr><td>1809</td><td>790</td><td>2809</td><td>395</td><td>Filing a submission after final rejection (37 CFR 1.129(a))</td><td></td></tr> <tr><td>1810</td><td>790</td><td>2810</td><td>395</td><td>For each additional invention to be examined (37 CFR 1.129(b))</td><td></td></tr> <tr> <td colspan="5">Other fee (specify) <u>    </u> Fee Code: 8001    Fee: 3.00 each Printed Copy of Patent w/o color, regular service delivery by USPS, UPSTO Box, or electronic means.</td> <td>3</td> </tr> <tr> <td colspan="5">Other fee (specify) <u>    </u> Publication Fee</td> <td>300</td> </tr> <tr> <td colspan="5"> <b>1. 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Claims <u>    </u></td> <td>0</td> <td>x 380 =</td> <td>0</td> </tr> </tbody> </table> </td> </tr> <tr> <td colspan="5"> <table style="width: 100%; font-size: small;"> <thead> <tr> <th>Large Entity</th> <th>Small Entity</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Code</th> <th>Fee (\$)</th> <th>Fee Description</th> </tr> </thead> <tbody> <tr><td>1202</td><td>50</td><td>2202</td><td>25</td><td></td><td></td><td>Claims in excess of 20</td></tr> <tr><td>1201</td><td>200</td><td>2201</td><td>100</td><td></td><td></td><td>Independent claims in excess of 3</td></tr> <tr><td>1203</td><td>380</td><td>2203</td><td>180</td><td></td><td></td><td>Multiple dependent claim</td></tr> <tr><td colspan="7"> </td></tr> <tr><td>1204</td><td>200</td><td>2204</td><td>100</td><td></td><td></td><td>Reissue independent claims over original patent</td></tr> <tr><td>1205</td><td>50</td><td>2205</td><td>25</td><td></td><td></td><td>Reissue claims in excess of 20 and over original patent</td></tr> <tr> <td colspan="7"><b>SUBTOTAL (2)</b></td> <td><b>0</b></td> </tr> </tbody> </table> </td> </tr> <tr> <td colspan="5"> <b>3. 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late filing fee or oath		1052	50	2052	25			Surcharge - late provisional filing fee or cover sheet		1053	130	1053	130			Non-English specification		1812	2520	1812	2520			For filing a request for reexamination		1804	920*	1804	920*			Requesting publication of SIR prior to Examiner action		1805	1840*	1805	1840*			Requesting publication of SIR after Examiner action										1251	120	2251	60			Extension for reply within first month		1252	450	2252	225			Extension for reply within second month		1253	1020	2253	510			Extension for reply within third month		1254	1530	2254	765			Extension for reply within fourth month		1255	2160	2255	1080			Extension for reply within fifth month		1401	500	2401	250			Notice of Appeal		1402	500	2402	250			Filing a brief in support of an appeal		1403	1000	2403	500			Request for oral hearing		1451	1510	1451	1510			Petition to institute a public use proceeding		1452	110	2452	55			Petition to revive -unavoidably										1453	1370	2453	685			Petition to revive - unintentional		1501	1400	2501	700			Utility issue fee	1400	1502	800	2502	400			Design issue fee		1503	1100	2503	550			Plant issue fee		1460	130	1460	130			Petitions to the Commissioner		1807	50	1807	50			Petitions related to provisional applications		1806	180	1806	180			Submission of Information Disclosure Stmt		8021	40	8021	40			Recording each patent assignment per property (times number of properties)		1801	790	2801	395			Request for continued examination (RCE) (37 CFR 1.114)		1809	790	2809	395			Filing a submission after final rejection (37 CFR 1.129(a))		1810	790	2810	395			For each additional invention to be examined (37 CFR 1.129(b))		Other fee (specify) <u>    </u> Fee Code: 8001    Fee: 3.00 each Printed Copy of Patent w/o color, regular service delivery by USPS, UPSTO Box, or electronic means.							3	Other fee (specify) <u>    </u> Publication Fee							300	<b>SUBTOTAL (3)</b>							<b>\$ 1703</b>																																																																																																																																																																																																																																																																																																																																																						
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8021	40	8021	40			Recording each patent assignment per property (times number of properties)																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																																												
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SUBMITTED BY				Complete (if applicable)	
Typed or Printed Name		Brian C. Kunzler		Reg. Number	38,527
Signature				Date	Jun 13, 2007
				Deposit Account User ID	

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington,